



सत्यमेव जयते

# The Gujarat Government Gazette

## EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

#### PART - VI

**Acts of Parliament and Ordinances promulgated by the President**

#### LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 20<sup>th</sup> October, 2021

**No.RPB/Act - 37/2021/E:-** The following Act of Parliament is republished for general information:-

**Government of India**

**Ministry of Law and Justice**

**Legislative Department**

New Delhi, the 19<sup>th</sup> August, 2021, Sravana 28, 1943 (Saka)

The following Act of Parliament has received the assent of the President on the 18<sup>th</sup> August, 2021 is hereby published for general information: -

#### MINISTRY OF LAW AND JUSTICE

**(Legislative Department)**

*New Delhi, the 19th August, 2021/ Sravana 28, 1943 (Saka)*

The following Act of Parliament received the assent of the President on the 18th August, 2021, and is hereby published for general information:—

#### THE GENERAL INSURANCE BUSINESS (NATIONALISATION) AMENDMENT ACT, 2021

No. 37 OF 2021

[18th August, 2021.]

An Act further to amend the General Insurance Business (Nationalisation) Act, 1972.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the General Insurance Business (Nationalisation) Amendment Act, 2021.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 3.

2. In section 3 of the General Insurance Business (Nationalisation) Act, 1972 (hereinafter referred to as the principal Act),—

57 of 1972.

(i) after clause (b), the following clause shall be inserted, namely:—

'(ba) "board of directors" or "board", in relation to a specified insurer, shall have the same meaning as assigned to it in clause (10) of section 2 of the Companies Act, 2013;'

18 of 2013.

(ii) in clause (c), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted;

1 of 1956.  
18 of 2013.

(iii) for clause (g), the following clause shall be substituted, namely:—

'(g) "general insurance business" shall have the same meaning as assigned to it in the Insurance Act, 1938;'

4 of 1938.

(iv) in clause (h), for the word and figures "section 617", the words, brackets and figures "clause (45) of section 2" shall be substituted;

(v) after clause (o), the following clause shall be inserted, namely:—

'(oa) "specified insurer" means the Corporation as defined in clause (d) or any of the insurance companies specified in section 10A;'

Amendment  
of section 9.

3. In section 9 of the principal Act, for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted.

1 of 1956.  
18 of 2013.

Amendment of  
section 10B.

4. In section 10B of the principal Act, the proviso shall be omitted.

Insertion of  
new section  
24B.

5. After section 24A of the principal Act, the following section shall be inserted, namely:—

Cessation of  
application of  
Act.

'24B.(1) On and from the date on which the Central Government ceases to control any specified insurer, after the commencement of the General Insurance Business (Nationalisation) Amendment Act, 2021, the provisions of this Act shall cease to apply in respect of that specified insurer.

(2) Notwithstanding anything contained in sub-section (1), on the date of cessation of applicability referred to in sub-section (1),—

(a) any scheme framed by the Central Government under sub-section (1) of section 17A in respect of the specified insurer referred to in sub-section (1) shall be deemed to have been adopted by the board of directors of such specified insurer:

Provided that the board of directors may make such additions, amendments or variations thereto, or frame new policy in place of such scheme, as it may deem appropriate;

(b) without prejudice to the generality of the power of the board of directors of the specified insurer under clause (a), all powers exercisable by the Central Government under a scheme framed by it in sub-section (1) of section 17A shall be exercisable by that board of directors.

*Explanation 1.*—For the purposes of this section, the expression "control" means the right of the Central Government, in relation to a specified insurer,—

(i) to appoint a majority of its directors; or

(ii) to have power over its management or policy decisions,

by virtue of its shareholding rights or management rights under its articles of association or shareholders agreements or voting agreements or any other agreements executed with the specified insurer or any other person in relation to the specified insurer.

*Explanation 2.*—For the removal of doubts, it is hereby clarified that—

(i) the provisions of this section shall also apply to any rule, scheme, direction or notification made under this Act before the cessation of applicability;

(ii) the cessation of applicability shall not revive anything that was not already in force or in existence under this Act or affect anything previously done or suffered under this Act;

(iii) the board of directors of the specified insurer shall exercise the powers referred to in sub-section (2), subject to any requirement under any law for the time being in force.'

6. After section 31 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
31A.

'31A. A director of a specified insurer who is not its whole-time director shall be held liable only in respect of such acts of omission or commission of the specified insurer which had been committed with his knowledge, attributable through board processes, and with his consent or connivance or where he had not acted diligently.

Liability of  
director of  
specified  
insurer.

*Explanation.*—For the purposes of this section, the reference to "board" shall include committees of the board.'

Sd/-

**ANOOP KUMAR MENDIRATTA,**  
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

**K. M. LALA,**  
Secretary to Government.

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